



Licensing Board
TOWN OF WATERTOWN
ADMINISTRATION BUILDING
149 Main Street
Watertown, Massachusetts 02472

TEL. (617) 972-6486
FAX (617) 972-6595

BOARD MEMBERS
DONNA B. DOUCETTE
GEORGE B. NEWMAN
ROBERT J. WHITNEY

ALTERNATE MEMBER
SANDRA KASABIAN HOFFMAN

Minutes May 15, 2014

1. ACCEPTANCE OF MINUTES: April 17, 2014
2. Relish Management, LLC
P.O. Box 47, Somerville, MA 02143
New Entertainment License at Farmers Market Approved 3-0
3. Watertown Enterprises, Inc. d/b/a Subway
59 Mt. Auburn Street
New Common Victualler License Approved 3-0
4. Coach and Carriage Auto Body, Inc.
64-66 School Street
a. New Class II Auto Dealer License Approved 3-0
b. New Auto Repair License Approved 3-0
5. Post Motors, Inc. d/b/a Lexus of Watertown
330 Arsenal Street
Alteration of Premise Approved 3-0
6. Dyer Quik Pik, Inc. d/b/a Dyer Liquors
40-42 Mt. Auburn Street
a. Alteration of Premise Approved 3-0
b. Pledge of License Approved 3-0
7. Hackney Renewals Expires 4/30
McCue's Taxi, Watertown Yellow Cab, Inc.
Watertown Taxi, Inc. Approved 3-0
8. MJLK, Inc. d/b/a 21 Nickels
21 Nichols Ave.
a. Show Cause Continued to June 19, 2014
b. Show Cause Continued to June 19, 2014
9. Shuttle/Jitney Renewals Expires 4/30 1 vehicles Approved 3-0
1. The Escort Limousine Corporation d/b/a Escort Limousine & Atlantic Coach

10. Spring Renewals
- | | | |
|----|---|--------------|
| 4 | Second-Hand Dealer License expires 6/1 | Approved 3-0 |
| 52 | Auto Repair License expires 6/1 | Approved 3-0 |
| 11 | Open-Air Parking Space License expires 5/31 | Approved 3-0 |
| 2 | Letting out of Motor Vehicles License expires 6/1 | Approved 3-0 |
11. Public Hearing – Continued to July 17, 2014
Regulations for special licenses for sale of wine by farm-wineries at
approved agricultural events

7:30 PM to 9:20 PM

Donna B. Doucette, Chairman

Present: Donna B. Doucette, Robert J. Whitney, George B. Newman, Sandra Kasabian Hoffman

1. Minutes from the April 17, 2014 hearing were approved by the Licensing Board.
2. Relish Management, LLC
P.O. Box 47
Somerville, MA 02143

The Watertown Licensing Board met to consider the application of Relish Management, LLC for an entertainment license to be exercised at the Watertown Farmers Market at the Arsenal on the Charles, 311 Arsenal Street.

Mimi Graney of Relish Management LLC, manager of the Farmers Market, appeared in support of the application. Ms. Graney explained that the Farmers Market will include 20 vendors. It is proposed that small musical performances be included, to enhance the experience for customers. Performances will be on the green in front of the Arsenal Center for the Arts from 3:00 to 5:00 p.m. and at the adjacent courtyard on Thornton Street from 5:00 to 7:00 p.m. Performers will use small, hand held amplifiers, with the sound expected to carry approximately 25 to 30 feet; there will be no drum sets. Typical instruments would be guitar, banjo and fiddle.

Board member Kasabian-Hoffman noted a concern with possible competition with music offered at the adjacent Casa de Pedro restaurant. Ms. Graney stated she had met with Pedro regarding agricultural exchange activities, and that the music at the restaurant begins later in the evening; she did not expect a conflict. Ms. Graney also stated that Wooley Avenue would remain open for emergency vehicle access during market hours.

Lt. Lawn stated that the Police Department had no objection to the granting of the requested license, provided the conditions stated in items 1 through 6 below were imposed.

The Fire Department reported that access for emergency vehicles must remain clear and unobstructed at all times.

The Licensing Board voted unanimously to grant an entertainment license for the market's 2014 season, subject to the following conditions:

1. The license may be exercised in conjunction with the time of operation of the Farmers Market, Thursdays from June 5 to October 30, 2014.
2. The hours of exercise shall not exceed 3:00 p.m. to 7:00 p.m.
3. Performers/band will be limited to four persons, one of which may be a singer.
4. There shall be no amplified percussion instruments.
5. Entertainment provided shall be reasonable and remain consistent throughout the duration of the event.
6. The entertainment/performance area shall be limited to that shown on the plan submitted (areas depicted as "music" on graphic entitled "Watertown Farmers Market at Arsenal on the Charles – 2014: June 5th – Oct. 30, Thursdays 3-7 pm").

7. Clear and unobstructed emergency vehicle access to the market area shall be maintained at all times.
3. Watertown Enterprises, Inc.
d/b/a Subway
480 Boston Road Unit 110
Billerica, MA 01821

The Watertown Licensing Board met to consider the application of Watertown Enterprises, Inc. d/b/a Subway for a common victualler license to be exercised at 59 Mt. Auburn Street.

Shashidar Bogelli, secretary and director, appeared in support of the application. Mr. Bogelli stated that the applicant currently owns three Subway operations, and that two other openings are planned for this year. He will remain on site for two months once the business opens, and will then turn the management over to a general manager. Mr. Bogelli explained that employees are trained at existing locations and then at the site being opened. The premises will be upgraded to include Subway's new "metro" design look.

The Fire Department reported that the applicant must contact the department to schedule inspections.

Lt. Lawn stated that the Police Department had no objection to the granting of the requested license, provided the conditions stated below, with a limit of 19 seats, were imposed. Board chairman Doucette noted that, according to records on file, the license issued to D'Angelo's sandwich shop for the site was for 16 seats.

The Zoning Officer reported that there is to be no increase in the number of seats at the premises, the current maximum being 16.

The Licensing Board voted unanimously to grant a new common victualler license, subject to the following conditions:

1. The hours of operation shall not exceed 10:00 a.m. to 10:00 p.m., Monday through Wednesday; 10:00 a.m. to midnight, Thursday through Saturday, and 10:00 a.m. to 8:00 p.m. on Sunday.
2. The number of seats shall be 16, identified on the plan submitted (plan entitled "SUBWAY Revision #1, Franchisee Shashi Bogelli, Store Address 59 Mt. Auburn St. Watertown, MA," dated 12-4-13, revised 2-7-14, sheet title: "Remodel (T-1 to T-2)"), subject to an upward revision to 19 upon confirmation from the Zoning Officer that a limit of 16 is not otherwise required by applicable zoning requirements.
3. There shall be no alcoholic beverages on the premises.
4. Coach and Carriage Auto Body, Inc.
55 Middlesex Avenue
Natick, MA 01760

The Watertown Licensing Board met to consider the application of Coach and Carriage Auto Body, Inc. for a Class II Used Auto Dealer license and a Motor Vehicle Repair license to be exercised at 64-66 School Street.

Joseph Gagliardi appeared in support of the applications. Mr. Gagliardi stated he had been in the automobile business all his life. He has owned a collision repair shop in Natick, MA for 22 years, and will continue to operate that business. The current manager at the School Street site, for Monroe Auto Body, who was also present, will be retained for the new business. The manager reported that he has 30 years' experience in the automotive field. Mr. Gagliardi's son will also assist with the business.

Board chairman Doucette noted that the Building Inspector's report stated a count of 31 vehicles. Mr. Gagliardi responded that there is a spot at the corner of Walnut and School Streets, which will be used for a stationary vehicle, and stated that the limit has been 32 for the last several years.

The manager stated that used auto sales would be mainly a wholesale business. When a customer's car is not repairable, the license allows the customer the option to purchase another vehicle. Vehicles for sale will have no license plates.

Lt. Lawn stated that the Police Department had no objection to the granting of the requested licenses, provided that the respective conditions stated below were imposed.

The Fire Department reported that permits will be needed for flammables and use of acetylene.

The Zoning Officer reported that the number of vehicles permitted on the site may not increase. The use at the property is a nonconforming use.

The Licensing Board voted unanimously to grant a Used Auto Dealer license, subject to the following conditions:

1. The hours of operation for vehicle sales shall not exceed 7:00 a.m. to 7:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. Saturday.
2. The total number of used motor vehicles for sale shall not exceed five.
3. The total number of vehicles on the property shall not exceed 32, in accordance with the plan submitted (annotated copy of a plan entitled "Plan Showing Proposed Building at School and Walnut Streets Watertown, Mass" dated May 15, 1998, received in the office of the Town Clerk on April 1, 2014): 10 in the garage and 22 on the lot. Up to five of these parking spaces may be used in conjunction with the auto dealer license.
4. A logbook shall be maintained to document the purchase and sale of used vehicles in a manner consistent with Chapter 140, Section 62 of the General Laws.
5. There shall be no alcoholic beverages on the property.

The Licensing Board also voted unanimously to grant a Motor Vehicle Repair license, subject to the following conditions:

1. The hours of operation shall not exceed 7:00 a.m. to 7:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. Saturday.

2. The total number of vehicles on the property shall not exceed 32, in accordance with the plan submitted (annotated copy of a plan entitled “Plan Showing Proposed Building at School and Walnut Streets Watertown, Mass” dated May 15, 1998, received in the office of the Town Clerk on April 1, 2014): 10 in the garage and 22 on the lot. Up to five of these parking spaces may be used in conjunction with the Class II Used Auto Dealer license to be exercised on the property.
3. All parking spaces shall be striped for easy identification.
4. There shall be no alcoholic beverages on the property.
5. Post Motors, Inc.
d/b/a Lexus of Watertown
330 Arsenal Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Post Motors, Inc. for approval of alteration of the premises at 330 Arsenal Street licensed for Class I Auto Dealer Sales.

Attorney William York appeared in support of the application, together with Murray Patkin, president. Attorney York presented renderings of the combined site, and stated that the Planning Board and Zoning Board of Appeals have granted special permits for the proposed renovations. The applicant acquired the property at 121-125 Walnut Street in October of 2013, and that property will be combined with the existing 330 Arsenal Street site. The vehicle prep center bay doors will be removed to the rear of the site, which will allow for green space in the front of the building. A ten foot wide bike path will traverse the site along Arsenal Street and promote a connection to Watertown Square. (See Parking License Plan) The rear of Arsenal Street/Walnut Street will be the new location of the pre-owned vehicle facility, with showroom display on the bottom level and interior storage on the upper level. Approximately 30,000 square feet of the building at 121-125 Walnut Street will continue to be rented out for other use, and the building will receive some upgrades, including paint and perhaps a new roof.

The Zoning Officer reported that the number and location of vehicles must match what has been approved by the Zoning Board of Appeals.

The Building Department reported that approval is pending a final certificate of occupancy and permit approval.

Lt. Lawn stated that the Police Department had no objection to approval of the proposed alteration, provided that the conditions stated below were imposed.

Attorney York noted that the applicant was requesting approval of a Saturday opening hour for the prep. center consistent with the hour for sales at 330 Arsenal Street – 7:00 a.m. Lt. Lawn stated that was not a problem. Board chairman Doucette noted that the proposed hour was within what was advertised, which is the limit of the Board’s approval.

The Licensing Board voted unanimously to approve an alteration of the premises to include within the licensed premises the property located at and known as 314 Arsenal Street and 121-125 Walnut Street, subject to the following conditions:

1. The license shall reflect three addresses: 330 Arsenal Street, 314 Arsenal Street, and 121-125 Walnut Street, consisting of an estimated 354,023 square feet.
 2. The hours of operation for vehicle sales shall not exceed 7:00 a.m. to 9:00 p.m. Monday through Friday, 7:00 a.m. to 6:00 p.m. on Saturday, and 12:00 p.m. to 6:00 p.m. on Sunday.
 3. The hours of operation for the vehicle preparation center at 314 Arsenal Street shall not exceed 7:00 a.m. to 7:00 p.m. Monday through Friday, and 7:00 a.m. to 5:00 p.m. on Saturday.
 4. The total number of vehicles/parking shall be as follows: 330 Arsenal Street – 353 interior spaces (refer to plans prepared by Regent Associates, Inc. Architects entitled “Lexus of Watertown” dated 11-14-02, Sheets A 1.0, A 1.1, and A 1.2 – Schematic Floor Plans for First, Second and Third Floors); 314 Arsenal Street – 6 interior spaces; 121-125 Walnut Street – 435 interior spaces (refer to plans prepared by ahp Architects entitled “Lexus Pre-Owned Building at 121-125 Walnut Street” dated 3-7-14, sheets A.101 – First Floor Plan, and A.102 – Second Floor Plan); 316 surface parking spaces as proposed on the site and 86 exterior surface parking spaces for display vehicles as proposed (refer to plan entitled “Lexus of Watertown 121-125 Walnut Street & 314 & 330 Arsenal Street WATERTOWN, MASSACHUSETTS” Drawing No. P-1 “Parking License Plan” by McKenzie Engineering Group, Inc., dated 4/01/2014).
 5. All parking spaces shall be lined and an approved parking plan shall be submitted to the Police Department upon completion of the alterations at the premises.
 6. All vehicle deliveries shall be made on the property and not from the public way, using the Arsenal Street entrance.
 7. There shall be no auto body work on the premises.
 8. There shall be no alcoholic beverages on the property.
6. Dyer Quik Pik, Inc.
d/b/a Dyer Liquors
40-42 Mt. Auburn Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Dyer Quik Pik, Inc. for approval of alteration of the premises at 40 Mt. Auburn Street licensed for All Alcohol Package Goods Store Sales and for approval of a pledge of the license.

Attorney Ken Leitner appeared in support of the application. Attorney Leitner explained that the licensee is looking to expand the business area. The proposed alteration will include 800 square feet of retail space and 375 square feet of office space and a private restroom. The current occupant of the property at 42 Mt. Auburn Street, Barca’s Spa, will abandon its lease and Dyer Liquors will occupy that space. Attorney Leitner submitted copies of a letter of intent and a lease. The improvements will be financed by a five-year loan from Rockland Trust Bank.

In response to a question from Board chairman Doucette, Attorney Leitner noted that two private parking spaces at the rear of the premises will be included, but that the landlord may alter the location as it determines appropriate.

The Building Department reported that approval is pending final building permit review.

The Health Department, Fire Department and Zoning Officer had no comment.

Lt. Lawn stated that the Police Department had no objection to approval of the proposed alteration, provided that the conditions stated below were imposed. He also stated that the Police Department had no objection to the proposed pledge of license.

The Licensing Board voted unanimously to approve an alteration of the premises, to include within the licensed premises property located at and known as 42 Mt. Auburn Street as shown on a sketch plan entitled "Owner – Dennis Dyer, Tenant – Dyer Liquor/Barcas Spa, Address – 40-42 Mt. Auburn Street, Floor Plan 1st Fl. Proposed" by Peter Georgopoulos, received in the office of the Town Clerk on April 14, 2014, subject to the following conditions:

1. The license address shall now be recorded as 40-42 Mt. Auburn Street.
2. The total retail space shall now be reflected as 2,575 square feet.
3. The hours of operation shall not exceed 8:00 a.m. to 11:00 p.m. Monday through Saturday, and 12 noon to 11:00 p.m. on Sunday.
4. All other conditions of the license shall remain in place.

The Licensing Board also unanimously approved a pledge of the license to Rockland Trust Bank.

7. The Licensing Board voted unanimously to approve the Hackney Renewals for McCue's Taxi, Watertown Yellow Cab, Inc. and Watertown Taxi, Inc.

8a. MJLK, Inc.
d/b/a 21 Nickels
c/o Michael J. Moran
67 Burton Street
Brighton, MA 02135

The Watertown Licensing Board has continued the show cause hearing concerning a violation of Section IV.C.1.b of the Rules and Regulations of the Watertown Licensing Board, which requires that a restaurant authorized to sell alcohol on Sundays submit an annual report, by May 1 of each year, confirming that the licensed establishment derives 60% or more of its gross revenues from the sale of food, to wit: your failure to submit an annual report for 2012. The matter had previously been continued from June 20, July 18, August 15, September 19, October 17, November 21, December 19, 2013, and January 16, February 20, March 20, and April 17, 2014, and the proceedings from the sessions held on those dates are described in the Board's Notices of Action and Continuance dated July 10, August 7, August 23, October 4, and November 1, December 2, 2013, and January 7, January 31, March 10, April 9, and May 7, 2014.

The continued hearing will be held on June 19, 2014 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

8b. MJLK, Inc.
d/b/a 21 Nickels
c/o Michael J. Moran
67 Burton Street
Brighton, MA 02135

The Watertown Licensing Board held a continued session of a show cause hearing on the matter of the closure of your premises at 21 Nichols Avenue licensed for all alcohol common victualler service and your failure to comply with the conditions of the Board's approval of that closure. The matter had been continued from June 20, July 18, August 15, September 19, October 17, November 21, December 19, 2013, and January 16, February 20, March 20, and April 17, 2014, and the proceedings from the sessions held on those dates are described in the Board's Notices of Action and Continuance dated July 10, August 7, August 23, October 4, November 1, December 2, 2013, January 7, January 31, March 10, April 9, and May 7, 2014.

Attorney Paul Rufo appeared on behalf of the licensee, together with Michael Moran, president. Attorney Rufo stated that an asset purchase agreement had been executed with Gerald Caico, who proposes to operate the premises as The Nickels Tavern. A license transfer application has not yet been submitted. The agreement between buyer and seller required the seller to obtain a sales tax lien waiver from the Department of Revenue. The license holder's accountant is now working on the application for that waiver, and notice of that process has been given to counsel for Mr. Caico. A copy of the asset purchase agreement was submitted to the Board.

With respect to a lease for the subject property, Attorney Rufo explained that the right of MJLK, Inc. to occupy the premises exists under a month-to-month lease with the 21 Nichols Trust, which has three trustees: Michael and Shawn Moran, and Sandra Gavin. He noted that Ms. Gavin does not own an interest in the license, which is controlled 50% by Michael and Shawn Moran and 50% by Mr. Con Murray of New York. Mr. Caico has organized a LLC to act as tenant under a lease of the site, which will have a five year term with an option to purchase at any time. That lease has been signed by two of the three 21 Nichols Trust trustees: Michael Moran and Shawn Moran. Until the property is sold, Caico Property, LLC will lease it to The Nickels Tavern.

Attorney Rufo stated that he had spoken to Attorney David Aisenberg, who was present for the April 17 status hearing on behalf of Sandra Gavin. Attorney Aisenberg informed Attorney Rufo that he did not know if Ms. Gavin would sign the lease, and has since informed Attorney Rufo that he no longer represents Ms. Gavin. The Morans have authorized a lawsuit against Ms. Gavin to compel endorsement of the lease, which the Morans assert is in the best interest of the 21 Nichols Trust. Attorney Rufo explained that the action would be brought under chapter 203E of the General Laws, the Uniform Trust Code.

Board chairman Doucette stated her view that the process has gone on for too long, and that the Board has shown extraordinary patience. She noted that the license holder had been thwarted in its efforts, but that it must provide evidence that it is in control of the property in order to allow for a transfer of the license. Attorney Rufo noted that Michael and Shawn Moran pay the property's mortgage loan each month, but that Ms. Gavin has not contributed toward the payment since March, 2014. He also stated that the asset purchase agreement with Mr. Caico includes a condition that approval of the license transfer must be obtained from the Alcoholic Beverages Control Commission by September of 2014.

In response to questions from a member of the audience, Attorney Rufo stated that the asset purchase agreement includes furniture, fixtures and equipment, and has a purchase price of \$100,000.

The Licensing Board voted to continue the matter to June 19, 2014, at which time a status report on the litigation to be commenced regarding execution of a lease for the subject property will be considered.

The continued hearing will be held on June 19, 2014 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

9. The Licensing Board voted unanimously to approve the renewal of the Shuttle/Jitney for The Escort Limousine Corporation d/b/a Escort Limousine & Atlantic Coach

10. The Licensing Board voted unanimously to approve the Spring Renewals for 4 Second-Hand Dealer Licenses, 52 Auto Repair Licenses, 11 Open-Air Parking Space Licenses and 2 Letting out of Motor Vehicles Licenses.

11. Public Hearing – Regulations for special licenses for sale of wine by farm-wineries at approved agricultural events

The licensing board voted to continue this matter to the July 17, 2014 hearing.